

Amendment No. 2 to SB3100

McNally
Signature of Sponsor

AMEND Senate Bill No. 3100

House Bill No. 3142*

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-3-610, is amended by adding the following new sections thereto:

(d) If an order of protection is extended after a hearing pursuant to § 36-3-605 bond shall be required of a respondent until such time as the order of protection expires. Such bond shall not be less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and shall be payable upon forfeit as provided in subsection (e). Bond shall be set as low as the court determines is necessary to reasonably assure the safety of the petitioner as required. Any respondent for whom bond has been set may deposit with the clerk of the court before which the proceeding is pending a sum of money in cash equal to the amount of the bond. Such sum of money or proof of the obtaining of a bond shall be provided to the clerk of the court within two (2) business days after bond has been set. Failure to comply with this subsection (d) may be punished by the court as a contempt of court.

(e) If a respondent posting bond under this section does not comply with the conditions of the bond, the court having jurisdiction shall enter an order declaring the bond to be forfeited. Notice of the order or forfeiture shall be mailed forthwith by the clerk to the respondent at the respondent's last known address. If the respondent does not within thirty (30) days from the date of the forfeiture or, within that period, satisfy the court that compliance with the conditions of the bond was met, the court shall enter judgment for the state against the defendant for the amount of the bond and costs of the

court proceedings. The judgment and costs may be enforced and collected in the same manner as a judgment entered in a civil action.

(f) The proceeds of a judgment for the amount of the bond pursuant to this section shall be allocated equally as follows:

(1) To provide legal representation to low-income Tennesseans in civil matters in such manner as determined by the supreme court as described in § 16-3-808(c); provided, that one-fourth ($\frac{1}{4}$) of such funds shall be allocated to an appropriate statewide nonprofit organization capable of providing continuing legal education, technology support, planning assistance, resource development and other support to organizations delivering civil legal representation to indigents. The remainder shall be distributed to organizations delivering direct assistance to clients with Legal Services Corporation funding as referenced in the Tennessee State Plan for Civil Legal Justice approved in March, 2001, by the Legal Services Corporation;

(2) To the domestic violence state coordinating council, created by title 38, chapter 12, part 1;

(3) To the Tennessee Court Appointed Special Advocates Association (CASA); and

(4) To Child Health USA.